

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER PARTNERS II LLC,	§	
<i>Plaintiff and Counterclaim-Defendant,</i>	§	
	§	
vs.	§	
	§	Case No. 2:24-cv-00007-JRG-RSP
CELLCO PARTNERSHIP, D/B/A VERIZON	§	(Member Case)
WIRELESS, AND VERIZON CORPORATE	§	Jury Trial Demanded
SERVICES GROUP INC.,	§	
	§	
<i>Defendants and Counterclaimant-Plaintiffs.</i>	§	
	§	
HEADWATER PARTNERS II LLC,	§	
<i>Plaintiff and Counterclaim-Defendant,</i>	§	
	§	
vs.	§	Case No. 2:24-cv-00015-JRG-RSP
	§	(Lead Case)
T-MOBILE USA, INC. AND SPRINT LLC,	§	Jury Trial Demanded
	§	
	§	
<i>Defendants and Counterclaimant-Plaintiffs.</i>	§	
	§	
	§	
HEADWATER PARTNERS II LLC,	§	
<i>Plaintiff and Counterclaim-Defendant,</i>	§	
	§	
vs.	§	Case No. 2:24-cv-00016-JRG-RSP
	§	(Member Case)
AT&T SERVICES, INC., AT&T MOBILITY	§	Jury Trial Demanded
LLC AND AT&T CORP.,	§	
	§	
<i>Defendants and Counterclaimant-Plaintiffs.</i>	§	
	§	
	§	

JOINT MOTION TO CONSOLIDATE

Plaintiff Headwater Partners II LLC (“Headwater”) and Defendants T-Mobile USA, Inc.,

Sprint LLC (collectively, “T-Mobile”), AT&T Services, Inc., AT&T Mobility LLC, AT&T Corp. (collectively, “AT&T”), Cellco Partnership, d/b/a Verizon Wireless and Verizon Corporate Services Group (collectively, “Verizon,” and all together with Headwater, the “Parties”) respectfully request that the Court consolidate for pre-trial issues the above-captioned matters involving the Parties and pending before the Court for the reasons set forth below:

1. On January 5, 2024, Headwater filed a lawsuit against Verizon in this district, alleging infringement of U.S. Patent Nos. 9,094,868 and 9,413,502 (the “Asserted Patents”). *See Headwater Partners II LLC v. Cellco Partnership, d/b/a Verizon Wireless*, et al., 24-cv-00007 (E.D. Tex.) (the “Verizon Matter”).

2. On January 10, 2024, Headwater filed two lawsuits alleging infringement of the same Asserted Patents against AT&T and T-Mobile. *See Headwater Partners II LLC v. AT&T Servs., Inc., et al.*, 24-cv-00016 (E.D. Tex.) (the “AT&T Matter”); *Headwater Partners II LLC v. T-Mobile USA, Inc.*, et al., 24-cv-00015 (E.D. Tex.) (the “T-Mobile Matter”).

3. On February 13, 2024, the Court consolidated for pre-trial issues the AT&T Matter and T-Mobile Matter, and designated the T-Mobile Matter as the lead case (the “AT&T/T-Mobile Matter”). *See* AT&T Matter, Dkt. No. 10; T-Mobile Matter, Dkt. No. 10. The Court did not consolidate for pre-trial issues the Verizon Matter with the AT&T/T-Mobile Matter.

4. The AT&T/T-Mobile Matter and the Verizon Matter share the same schedule (outside of trial dates) and discovery orders, and the Parties are represented by the same respective outside counsel.

5. The Parties met and conferred concerning the consolidation for pre-trial issues of the AT&T/T-Mobile Matter with the Verizon Matter on June 11, 2024. The Parties respectfully submit that consolidating these matters will lead to greater efficiency in case management and

consistent rulings regarding overlapping legal claims, as both matters are pending before this Court, both matters contain overlapping questions of law and fact, maintaining separate matters would waste the Court's and Parties' resources and because there is little to no risk of prejudice or confusion resulting from consolidation.

For the aforementioned reasons, the Parties respectfully request that the Court consolidate for pre-trial issues the Verizon Matter into the AT&T/T-Mobile Matter and designate the AT&T/T-Mobile Matter as the LEAD CASE following consolidation.

Date: July 1, 2024

Respectfully submitted,

/s/ Deron R. Dacus

/s/ Marc Fenster

Jacob K. Baron, Esq.
MA Bar No.: 652568
Email: jacob.baron@hklaw.com
Joshua C. Krumholz, Esq.
(LEAD COUNSEL)
(*Pro hac vice*)
MA Bar No.: 552573
Email: joshua.krumholz@hklaw.com
Jacob W. S. Schneider, Esq.
(*Pro hac vice*)
MA Bar No.: 675315
Email: jacob.schneider@hklaw.com
Allison M. Lucier, Esq.
(*Pro hac vice*)
MA Bar No.: 569193
Email: allison.lucier@hklaw.com
HOLLAND & KNIGHT LLP
10 Saint James Avenue; 11th Floor
Boston, MA 02116
Telephone: 617-523-2700
Facsimile: 617-523-6850

Deron R. Dacus
Texas Bar No. 00790553
E-mail: ddacus@dacusfirm.com
THE DACUS FIRM, P.C.

Marc Fenster
CA State Bar No. 181067
Email: mfenster@raklaw.com
Reza Mirzaie
CA State Bar No. 246953
Email: rmirzaie@raklaw.com
Brian Ledahl
CA State Bar No. 186579
Email: bledahl@raklaw.com
Ben Wang
CA State Bar No. 228712
Email: bwang@raklaw.com
Dale Chang
CA State Bar No. 248657
Email: dchang@raklaw.com
Paul Kroeger
CA State Bar No. 229074
Email: pkroeger@raklaw.com
Neil A. Rubin
CA State Bar No. 250761
Email: nrubin@raklaw.com
Kristopher Davis
CA State Bar No. 329627
Email: kdavis@raklaw.com
James S. Tsuei
CA State Bar No. 285530

821 ESE Loop 323, Suite 430
Tyler, Texas 75701
903-705-1117 (phone)
903-581-2543 (fax)

*Attorneys for Defendants Cellco Partnership
d/b/a Verizon Wireless, Verizon Corporate
Services Group Inc., T-Mobile USA, Inc., Sprint
LLC, AT&T Services, Inc., AT&T Mobility LLC
and AT&T Corp.*

Nicholas Mathews
Texas State Bar No. 24085457
nmathews@McKoolSmith.com
Texas State Bar No. 24078867
Erik Fountain
efountain@McKoolSmith.com
Texas State Bar No. 24097701
MCKOOL SMITH, P.C.
300 Crescent Court Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

*Attorneys for Defendants AT&T Services, Inc.,
AT&T Mobility LLC and AT&T Corp.*

Melissa R. Smith
melissa@gillamsmithlaw.com
GILLIAM & SMITH, LLP
303 South Washington Avenue
Marshall, TX 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

*Attorney for Defendants T-Mobile USA, Inc.
and Sprint LLC*

Email: jtsuei@raklaw.com
Philip Wang
CA State Bar No. 262239
Email: pwang@raklaw.com
Amy Hayden
CA State Bar No. 287026
Email: ahayden@raklaw.com
Jason M. Wietholter
CA State Bar No. 337139
Email: wietholter@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Fl.
Los Angeles, CA 90025
Telephone: 310-826-7474

Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

/s/ Deron R. Dacus
Deron R. Dacus

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this July 1, 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Deron R. Dacus
Deron R. Dacus